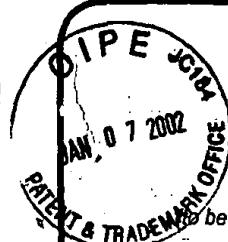


JC14 Rec'd PL 50 07 JAN 2002

PCT

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PTO/SB/21 (08-00)

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# TRANSMITTAL FORM

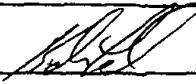
be used for all correspondence after initial filing)

		Application Number	09/890,135
		Filing Date	July 26, 2001
		First Named Inventor	Victor Carnell
		Group Art Unit	Not yet assigned
		Examiner Name	Not yet assigned
Total Number of Pages in This Submission	8	Attorney Docket Number	CA-33-02-US

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Copy of Notice of Missing Requirements dated 9/7/01.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Executed Declaration.
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> Copy of Transmittal Letter showing surcharged paid.
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kevin S. Lemack Nields & Lemack
Signature	
Date	November 5, 2001

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: Nov. 5, 2001

Typed or printed name	Kevin S. Lemack
Signature	
Date	November 5, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Victor Carnell  
Serial No. : 09/890,135 (PCT/US00/01952)  
Filed : July 26, 2001 (26 January 2000)  
For : ORAL HYGIENE PREPARATIONS; ASSOCIATED METHODS AND KIT  
Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : CA-33-02-US

Assistant Commissioner of Patents and Trademarks  
BOX: PCT  
Washington, D.C. 20231

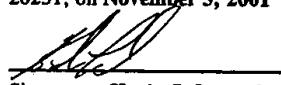
Sir:

The "Notice of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US)" dated September 7, 2001 (copy of which is attached hereto for the convenience of the Application Branch) has been received. In response thereto there are filed herewith the following items:

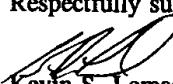
1. The relevant surcharge has already been paid. A copy of the letter of Transmittal filed on July 26, 2001 enclosing the relevant surcharge.
2. A properly signed Declaration of the Applicants for DO/EO/US (2-pages).
3. Power of Attorney (1-Page).

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account 14-0930. A duplicate copy of this sheet is attached.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington D.C. 20231, on November 5, 2001

  
Signature: Kevin S. Lemack  
Date: November 5, 2001

Respectfully submitted,

  
Kevin S. Lemack  
Attorney for Applicants  
Registration No. 32,579  
Nields & Lemack  
176 E. Main Street  
Westboro, MA 01581  
TEL: (508) 898-1818

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SEP 10 2001



## UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/890135		CARNELL	V CA33-002
KEVIN S LEMACK NIELDS & LEMACK 176 E MAIN STREET SUITE 8 WESTBORO, MA 01581		DOCKETING	INTERNATIONAL APPLICATION NO.
		Docket for: 11-7-01	PCT/US00/01952
		Docket by: <i>As Due</i>	
		Due: <i>Dec 1st</i>	
			I.A. FILING DATE      PRIORITY DATE
			26 JAN 00      27 JAN 99

DATE MAILED: 07 SEP 2001

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):

U.S. Basic National Fee.  Indication of Small Entity Status.  
 Copy of the international application.  Translation of the international application into English.  
 Oath or Declaration of inventors(s).  Translation of Article 19 amendments into English.  
 Copy of Article 19 amendments.  Other:  
 Priority Document.  
 The International Preliminary Examination Report in English and its Annexes, if any.  
 Translation of Annexes to the International Preliminary Examination Report into English.

2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

U.S. Basic National Fee.  Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
 d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

Enclosed:  PCT/DO/EO/917  Notice of Defective Translation  
 PTO-875  PCT/DO/EO/920

Mamie P. Person *MP*

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3737

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FORM PTO-1390 (REV 12-29-99)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				CA33-002
INTERNATIONAL APPLICATION NO. PCT/US00/01952		INTERNATIONAL FILING DATE 26 January 2000		PRIORITY DATE CLAIMED 27 January 1999
TITLE OF INVENTION ORAL HYGIENE PREPARATIONS: ASSOCIATED METHODS AND KIT				
APPLICANT(S) FOR DO/EO/US Victor Carnell				
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:				
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</p> <p>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))            a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).            b. <input type="checkbox"/> has been transmitted by the International Bureau.            c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (R.O/US).</p> <p>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))            a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).            b. <input type="checkbox"/> have been transmitted by the International Bureau.            c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.            d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>				
Items 11. to 16. below concern document(s) or information included:				
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment. <u>PLEASE ENTER BEFORE CALCULATING THE FEES.</u>  <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input checked="" type="checkbox"/> Other items or information:            1. International Preliminary Examination Report;            2. Copy of the International Search Report;            3. Copy of Form PCT/IB/304; and            4. Copy of Form PCT/IB/308.</p>				
CLIENT QUALIFIES AS A SMALL ENTITY.				
<b>BEST AVAILABLE COPY</b>				

US APPLICATION NO. (if known, see 37 CFR 1.3)	INTERNATIONAL APPLICATION NO. PCT/US00/01952	ATTORNEY'S DOCKET NUMBER CA33-002	
<p>17. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5) ) :</b></p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$ 1000</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$ 860</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$ 710</p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$ 690</p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$ 100</p>		CALCULATIONS PTO USE ONLY	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		\$ 690.00	
<p>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(c)).</p>		\$ -130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	13 - 20 =	0	X \$18.00
Independent claims	4 - 3 =	1	X \$ 80
<b>MULTIPLE DEPENDENT CLAIM(S) (if applicable)</b>		+ \$270	\$ 0
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$ 900.00	
<p>Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).</p>		\$ 450.00	
<b>SUBTOTAL =</b>		\$	
<p>Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</p>		\$ -	
<b>TOTAL NATIONAL FEE =</b>		\$ 450.00	
<p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</p>		\$ -	
<b>TOTAL FEES ENCLOSED =</b>		\$ 450.00	
Amount to be:		\$	
refunded		\$	
charged		\$	
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 450.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0930. A duplicate copy of this sheet is enclosed.</p>			
<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p>			
<p>SEND ALL CORRESPONDENCE TO:</p> <p>Kevin S. Lemack Nields &amp; Lemack 176 E. Main Street - Suite 8 Westboro, MA 01581</p>			
<p> SIGNATURE: Kevin S. Lemack NAME: Kevin S. Lemack</p>			
<p>32,579 REGISTRATION NUMBER</p>			

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